Attorney Docket No. RAMTC-003A THE UNITED STATES PATENT AND TRADEMARK OFFICE In re Application of: Laurence M. Sylvester, et al. Art Unit: 1714 Serial No.: 10/735,276 Examiner: TBD Filed: December 12, 2003 For: Improved Rubber Modified Asphalt Cement Compositions and Methods **Transmittal of Information Disclosure Statement** Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Dear Sir: 1. The information disclosure statement submitted herewith is being filed within  $\boxtimes$ three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b). 2. The information disclosure statement transmitted herewith is being filed after three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last but before the mailing date of either:

a final action under § 1.113 or

Included with this transmittal is

a notice of allowance under §1.311, whichever occurs first.

a certification (set forth below) in accordance with 37 C.F.R. § 1.97(e). (If for any reason the certificate set forth below should be

**CERTIFICATION OR FEE** 

(1)

(2)

i.

A.

unsatisfactory, the Commissioner is provisionally authorized to charge the \$210 fee (37 C.F.R. § 1.17(p)) to Deposit Account No. 50-0878. A duplicate copy of this sheet is enclosed.)

## OR

		ii.		the attached fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00).			
3.		final a 1.311,	information disclosure statement transmitted herewith is being filed <i>after</i> a action under 37 C.F.R. § 1.113 or a notice of allowance under 37 C.F.R. § , whichever occurs first, but before, or simultaneously with the payment of sue fee. In accordance with the requirements of 37 C.F.R. § 1.97(d):				
		i.	Set fo	rth below is a certification as specified in 37 C.F.R. § 1.97(e).			
		ii.	Applic	cant submits the fee set forth in 37 C.F.R. § 1.17(p). (\$130.00).			
				CERTIFICATION			
				(Required if 2Ai or 3 above is marked)			
4.	I, the	person	signing	below, certify			

that each item of information contained in the information disclosure statement was cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more th three months prior to the filing of the statement. 37 C.F.R. § 1.97(e)(1).				
OR				
that no item of information contained in the information disclosure statement was				
cited in a communication from a foreign patent office in a counterpart foreign				
application or to the knowledge of the person signing the certification after				

making reasonable inquiry, was known to any individual designated in § 1.56(c)

more than three months prior to the filing of the statement. 37 C.F.R. § 1.97(e)(2).

5. If it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-0878. A duplicate copy of this petition is enclosed.

Respectfully submitted,

Stout, Uxa, Buyan & Mullins, LLP

Date: May 12, 2004

Robert D. Buyan, Reg. No. 32,460

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## **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 12, 2004.

Dated: May 12, 2004

Attorney Docket No: RAMTC-003A

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	)	
Laurence M. Sylvester, et al.	)	Art Unit: 1714
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Serial No.: 10/735,276	)	Examiner: To Be Determined
Filed: December 12, 2003	)	
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For: Improved Rubber Modified Asphalt	)	
Cement Compositions and Methods	)	

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R Section 1.56, Applicants wish to call the attention of the Examiner to the references that are listed on the attached PTO forms 1449. No copies of the references are being provided per 37 C.F.R. 1.98(d), since all of the references were cited by or submitted to the Office in parent applications Serial No. 10/164,350 and 10/652,725.

No representation is made that the references disclosed herein legally constitute prior art, or that more relevant references are not available. The disclosed references are printed in the English language and/or accompanied by an Abstract published in the English language.

The disclosed references, when taken alone or in combination, are not believed to disclose nor make obvious the invention as claimed in the subject application.

Respectfully submitted,

Dated: May 12, 2004

Robert D. Buyan

Registration No. 32,460

STOUT, UXA, BUYAN & MULLINS, LLP

4 Venture, Suite 300

Irvine, CA 92618

Sheet 1 of 1

Form PTO-1449			Docket Number (Optional) RAMTC-001A Application Number 10/164,350					
/ PINFORM	ATION DISCLOSURE	Applicant Laurence M. Sylvester						
IN AN APPLICATION (Use several sheets if necessary)			Filing Date 6/5/03	Group Art Unit 1714				
IAT 1		U. S. PATE	NT DOCUMENTS					
EXAMINER AND	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	RULING IF APPRO		
	3,891,585	6/24/75	McDonald			-		
	B1 3,891,585	11/14/89	McDonald					
	3,919,148	11/11/75	Winters et al.					
	4,018,730	4/19/77	McDonald			,		
	4,069,182	1/17/78	McDonald					
	4,085,078	4/18/78	McDonald					
	4,430,464	2/7/84	Oliver					
	4,485,201	11/27/84	Davis					
	4,588,634	5/13/86	Pagen et al.					
	4,609,696	9/2/86	Wilkes					
	5,270,361	12/14/93	Doung et al.				_	
	5,334,641	8/2/94	Rouse					
	5,492,561	2/20/96	Flanigan					
	5,539,029	7/23/96	Burris					
	5,811,477	9/22/98	Burris et al.					
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		FOREIGN PA	TENT DOCUMENTS					
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLA	TION	
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14 5 Sheet 1 of 1 MAY 1 7 2004 Form PTO-1449 Docket Number (Optional) RAMTC-002A Application Number 10/652,725 INFORMATION DISCLOSURE CITATION Applicant Laurence M. Sylvester et al. IN AN APPLICATION Filing Date 8/29/03 Group Art Unit 1714 **U. S. PATENT DOCUMENTS EXAMINER** DOCUMENT NUMBER DATE NAME CLASS **SUBCLASS** RULING DATE IF APPROPRIATE INITIAL 3,919,148 11/11/75 Winters et al. 4,018,730 4/19/77 McDonald 4,085,078 4/18/78 McDonald 4,430,464 2/7/84 Oliver 4,485,201 11/27/84 **Davis** 4,588,634 5/13/86 Pagen et al. 4,609,696 9/2/86 Wilkes 5,270,361 12/14/93 Doung et al. 5,334,641 8/2/94 Rouse 5,492,561 2/20/96 Flanigan 5,539,029 7/23/96 Burris 5,811,477 9/22/98 Burris et al. 6,156,828 12/5/00 Wickett **FOREIGN PATENT DOCUMENTS DOCUMENT NUMBER** DATE COUNTRY CLASS SUBCLASS TRANSLATION YES NO OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) **EXAMINER DATE CONSIDERED** 

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

PINFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)			Docket Number (Optional) RAMTC-003A Application Number 10/735,276							
			Applicant Laurence M. Sylvester et al.							
			Filing Date <b>12/12/03</b>	Group Art Unit 1714						
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EXAMINER AND CONTRACT OF THE PARTY OF THE PA	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	RULING IF APPRO				
	5,618,862	Apr. 8, 1997	Germanaud et al.							
	5,756,565	May 26, 1998	Germanaud et al.							
	5,880,185	Mar. 9, 1999	Planche et al.							
	6,117,926	Sep. 12, 2000	Engber et al.							
	6,399,680	Jun. 4, 2002	Engber et al.							
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EXAMINER		DATE CONSIDERED								
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